

**ASSEMBLY BILL**

**No. 1274**

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**Introduced by Assembly Member Mark Stone**

February 27, 2015

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An act to amend and renumber Section 6826 of, and to add Section 6212.3 to, the Public Resources Code, relating to public lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 1274, as introduced, Mark Stone. Public lands: geological or geophysical surveys.

(1) Existing law authorizes the State Lands Commission to lease state lands for the production of oil and gas. Existing law also authorizes the commission to issue permits for geological or geophysical surveys on those state lands, but specifies that the permit does not give the permittee any preferential right to an oil or gas lease. Existing law requires, as a condition to the issuance of a permit for the conduct of geological or geophysical surveys on tidelands and submerged lands, that the permittee make available to the commission, upon request, all factual and physical exploration results, logs, and records resulting from the operations under the permit. Existing law makes the unauthorized disclosure or use of that information a misdemeanor.

This bill would expand those provisions to authorize the commission to issue permits for geological or geophysical surveys on state lands, including granted and ungranted tidelands and submerged lands, subject to terms and conditions as the commission shall specify to ensure public safety and protection of the environment, and would require the commission to adopt regulations to aid in the implementation of those provisions.

The bill would also specify that geological or geophysical surveys conducted on state land for purposes of exploring or prospecting for oil, gas, or other minerals shall not give the permittee any right to an oil and gas, or mineral lease. The bill would require, as a condition to the issuance of any permit to conduct geological or geophysical surveys on tidelands and submerged lands for purposes of exploring or prospecting for oil, gas, or other minerals, that the permittee make available those results, logs, and records resulting from the operations under the permit. Because the unauthorized disclosure or use of that information would be a misdemeanor, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6212.3 is added to the Public Resources  
2 Code, to read:

3 6212.3. (a) The commission may authorize, by permit, the  
4 conduct of geological or geophysical surveys on state lands,  
5 including granted and ungranted tidelands and submerged lands,  
6 subject to terms and conditions as the commission shall specify to  
7 ensure public safety and protection of the environment.

8 (b) The commission shall adopt regulations to aid in the  
9 implementation of subdivision (a), and any applicable requirements  
10 contained in Division 13 (commencing with Section 21000), with  
11 respect to authorization of survey activities.

12 SEC. 2. Section 6826 of the Public Resources Code is amended  
13 and renumbered to read:

14 ~~6826.—(a) The commission may permit geological or~~  
15 ~~geophysical surveys on state lands and may grant permits therefor,~~  
16 ~~but the permit~~

17 6820. (a) *Geological or geophysical surveys conducted on*  
18 *state lands for purposes of exploring or prospecting for oil, gas,*  
19 *or other minerals* shall not give the permittee any preferential right

1 to an oil and gas, *or mineral* lease. The taking of cores and other  
2 samples may be conducted on and under state lands; provided, that  
3 the commission shall require that a permit first be obtained  
4 covering ~~such~~ *those* types of drilling *or sampling* operations for  
5 the purpose of obtaining geological samples as the commission  
6 may determine by regulation, and upon ~~such~~ *those* terms and  
7 conditions as the commission may specify by regulation, but the  
8 permit shall not give the permittee any preferential right to an oil  
9 and gas, *or mineral* lease.

10 (b) The commission shall require, as a condition to the issuance  
11 of ~~any a permit for the~~ to conduct of geological or geophysical  
12 surveys on ~~tidelands~~ *tidelands* and submerged lands ~~under this section,~~  
13 *for purposes of exploring or prospecting for oil, gas, or other*  
14 *minerals*, that the permittee make available to the commission,  
15 upon request, all factual and physical exploration results, logs, and  
16 records resulting from the operations under the permit. Any factual  
17 or physical exploration results, logs, or records ~~which~~ *that* the  
18 permittee is required to make available to the commission shall  
19 be for the confidential use of the commission and shall not be open  
20 to inspection by any person or agency. The commission may,  
21 however, make the exploration results, logs, and records available  
22 to those governmental agencies ~~which~~ *that* need the information  
23 in order to evaluate or regulate those ~~tidelands~~ *tidelands* and submerged  
24 lands and adjacent ~~lands;~~ *lands;* ~~provided, however, that~~ *lands, if* the  
25 commission ~~shall enter~~ *enters* into a contractual agreement with  
26 those governmental agencies specifying the purposes for which  
27 the exploration results, logs, and records may be used and requiring  
28 the exploration results, logs, and records to be maintained in  
29 confidence. The contractual agreements shall specify the person  
30 who will examine and be responsible for the confidentiality of the  
31 information. The information shall not be open to inspection by  
32 any other person or agency without the written consent of the  
33 permittee.

34 (c) It is a misdemeanor for any member of the commission, any  
35 officer or employee of the commission, or any person performing  
36 any function or work assigned to him or her by the commission,  
37 or any governmental agency or employee utilizing data pursuant  
38 to an agreement of confidentiality provided for in subdivision (b),  
39 to disclose to any person who is not a member, officer, employee  
40 of the commission, or authorized person pursuant to subdivision

1 (b), or to any person who is not performing any function or work  
2 assigned to him or her by the commission, any information  
3 obtained from the inspection of factual or physical exploration  
4 results, logs, or records, or to use the information for purposes  
5 other than those authorized by the commission or for the  
6 administration of the functions, responsibilities, and duties vested  
7 in the commission by law, except upon the written consent of the  
8 permittee making the information available to the commission.

9 SEC. 3. No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution because  
11 the only costs that may be incurred by a local agency or school  
12 district will be incurred because this act creates a new crime or  
13 infraction, eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section 17556 of  
15 the Government Code, or changes the definition of a crime within  
16 the meaning of Section 6 of Article XIII B of the California  
17 Constitution.